

Texas Statutory Authorities and Jurisdictions

Texas Commission on Environmental Quality

Section 26.127 of the Texas Water Code establishes the Texas Commission on Environmental Quality (TCEQ) as the principal authority in the State on matters relating to the quality of water in the State.

In addition, the Hazardous Substances Spill Prevention and Control Act (Chapter 26, Subchapter G, §26.262, Texas Water Code) stipulates that it is the policy of this State to prevent the spill or discharge of hazardous substances into the waters in the State and to cause the removal of any spills and discharges without undue delay.

This subchapter shall be construed to conform with Chapter 40 of the Natural Resources Code.

The TCEQ is the State's lead agency in spill response to certain inland oil spills, all hazardous substance spills, spills of other substances which may cause pollution, as well as any releases of substances which may adversely impact air quality.

The TCEQ shall conduct spill response for the State, and shall otherwise administer the provisions of the Act. The Act also authorizes the Executive Director of the TCEQ (hereinafter referred to as the *Executive Director*) to act independently if no federal on-scene coordinator is present or no action is being taken by an agency of the federal government in response to a spill or discharge of oil, hazardous substances, or other substances.

The Executive Director's response may include actions to abate and remove the spill.

Under the authority of certain provisions of Chapter 361 of the Texas Health and Safety Code, the TCEQ has additional removal authorities with respect to cleanup of a release or threatened release of hazardous substances at a facility on the TCEQ's registry as described in the Act.

The TCEQ has been designated by the Governor of Texas, in accordance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), (42 U.S.C. §9601, et seq.); the Superfund Amendments and Reauthorization Act of 1986 (SARA), (Public Law 99-499); the Clean Water Act, as amended (33 U.S.C. §1251, et seq.); and, the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), as the State's lead agency for "Superfund" activities and as one of the State's representatives to the federal Regional Response Team (RRT).

In accordance with 40 CFR Part 300.32(b), the RRT serves as the regional body for planning and preparedness before a response action is taken and for coordination and advice during such actions.

Further, the Governor of Texas has designated the TCEQ as one of the three State Trustees for damage assessment and restoration of the State's natural resources that may be affected by a spill, discharge or release.

The TCEQ is the designated trustee for air, surface water including sediments, groundwater, and drinking water resources. The TCEQ as a natural resource Trustee has the obligation to protect and preserve all trust resources of the State of Texas.

The State's municipal hazardous waste and industrial solid waste program is implemented by 30 Texas Administrative Code (TAC, Chapter 335), adopted under the authority of the State Solid Waste Disposal Act (Texas Health and Safety Code Ann., Chapter 361, Vernon Supp. 1990).

Chapter 335 includes the requirement that any person who conveys or transports hazardous waste by truck, ship, pipeline or other means, shall clean up any hazardous waste discharge or release or take such action as may be required or approved by the TCEQ so that the hazardous waste discharge or release no longer presents a hazard to human health or the environment (see 30 TAC 335.93).

These Rules also require that owners and operators of hazardous industrial solid waste storage, processing, or disposal facilities must maintain and operate such facilities so as to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or water which could threaten human health or the environment.

Additionally, each owner or operator of a hazardous industrial solid waste facility must have a contingency plan for the facility designed to minimize the above possibilities (see 30 TAC 335.152, incorporating by reference 40 Code of Federal Regulations Part 264).

The State's regulation of underground and aboveground storage tanks, as administered by the Petroleum Storage Tank Program, is authorized by 30 Texas Administrative Code (TAC, Chapter 334), promulgated under the Texas Water Code §§26.341-26.359.

This program establishes minimum standards and procedures to protect and maintain the quality of the state's groundwater and surface water resources from environmental contamination that could result from any releases of harmful substances stored in such tanks. Authority was granted to assess and collect fees for deposit into a fund which could then be used for remediation purposes.

In addition to ongoing preventive and remedial actions, emergency orders may be issued to the owner and/or operator of an underground or aboveground storage tank if there is an actual or threatened release of a regulated substance (Texas Water Code §26.354).

Emergency orders may also be issued if it is determined that more expeditious corrective action than is otherwise provided for is necessary to protect the public health and safety or the environment from harm. Orders issued under this provision may prohibit a person from allowing or continuing the release (or threatened release) and require the person to take the actions necessary to eliminate it.

Additionally, the TCEQ is authorized to undertake corrective action measures under any circumstances in which the commission considers it necessary to protect the public health and safety or the environment (Texas Water Code §26.3511).

Under the authority of the Texas Clean Air Act (Texas Health and Safety Code, Chapter 382, *Vernon Supp.* 1990), the TCEQ is charged with safeguarding the State's air resources from pollution by controlling or abating air pollution and emissions of air contaminants, consistent with the protection of public health, general welfare, and physical property, including the aesthetic enjoyment of air resources by the public and the maintenance of adequate visibility.

The TCEQ Office of Air Quality requires facilities to report any *major upset* condition (see 30 TAC §101.6). A *major upset* is defined as an unscheduled occurrence or excursion of a process or operation that results in an emission of air contaminants that contravenes the Texas Clean Air Act and is beyond immediate control, or a release that is initiated to protect life in the immediate or adjacent areas (see 30 TAC §101.1).

Many may constitute a spill or discharge under the Hazardous Substances Spill Prevention and Control Act as well as a *major upset* under the TCEQ rules.

General Land Office

The Texas General Land Office (GLO) is the state's lead agency for response to oil spills that enter or threaten to enter coastal waters. State discharge response and cleanup operations resulting from unauthorized discharges of oil that enter or threaten to enter coastal waters are administered and directed by the GLO pursuant to the Oil Spill Prevention and Response Act of 1991 (OSPRA), Texas Natural Resources Code §40.001 *et seq.*

OSPRA defines *coastal waters* as *the waters and bed of the Gulf of Mexico within the jurisdiction of the State of Texas, including the arms of the Gulf of Mexico subject to tidal influence, and any other waters contiguous thereto that are navigable by vessels with a capacity to carry 10,000 gallons or more of oil as fuel or cargo.* Thus, the jurisdiction of the GLO extends beyond simply waters that are subject to tidal influence.

OSPRA defines *unauthorized discharge of oil* as *any discharge of oil, or any discharge of oil emanating from a vessel into waters adjoining and accessible from coastal waters, that is not authorized by a federal or state permit.*

OSPRA defines *discharge of oil* as *an intentional or unintentional act or omission by which harmful quantities of oil are leaked, spilled, pumped, poured, emitted, or dumped into or on coastal waters or at a place adjacent to coastal waters where, unless controlled or removed, an imminent threat of pollution to coastal waters exists.*

The GLO has been designated by the Governor of Texas as a natural resource trustee under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C.A. §§ 9601 *et seq.* and the Oil Pollution Act of 1990, 33 U.S.C.A..

The natural resources for which the GLO is responsible are those related to State-owned lands. The GLO as a natural resource Trustee has the obligation to protect and preserve all trust resources of the State of Texas.

Sections 51.121 and 51.291 of the Texas Natural Resources Code also give the **GLO permitting authority over pipelines and platforms located on State lands** and antipollution requirements are built into GLO contracts and rules.

Railroad Commission of Texas

The Railroad Commission of Texas (RRC) has spill response authority for spills or discharges from all activities associated with the exploration, development, or production, including storage or transportation, of oil, gas, and geothermal resources (Texas Natural Resources Code §§85.042, 91.101, and 91.601).

Spills or discharges from brine mining or surface mining are also under the jurisdiction of the RRC (Texas Revised Civil Statutes Ann. Art. 5920-11 (Vernon) and Chapter 131 of the Texas Natural Resources Code). Any spill or discharge, whether hazardous or nonhazardous, that emanates from an oil, gas, or geothermal resource exploration or production facility or brine mine or surface mine is under the jurisdiction of the RRC.

Activities associated with the exploration, development, and production of oil or gas do not include refining or manufacturing processes; however, the processing of natural gas or natural gas liquids at gasoline plants or at natural gas or natural gas liquids processing plants is subject to the jurisdiction of the RRC with one narrow exception concerning waste from gas processing activities.

Until the RRC receives delegation of RCRA authority, waste from gasoline plants, natural gas or natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants **and that is a hazardous waste under RCRA** is under the authority of the Texas Commission on Environmental Quality.

If the waste from these gas processing plants is **not** hazardous under RCRA, then the waste is under the jurisdiction of the RRC (Texas Natural Resources Code §91.101).

Prevention of pollution from spills or discharges of hazardous or nonhazardous materials from crude oil and natural gas pipelines is under the jurisdiction of the RRC. The RRC does not have pollution prevention authority over pipelines carrying refined petroleum products such as gasoline, diesel, and other fuel oil.

A spill of crude oil into coastal waters may involve both the RRC and the GLO. Although the GLO is the lead agency for spills of oil, including crude oil, into coastal waters or that pose an imminent threat to coastal waters if not abated, the RRC is on-scene coordinator for coastal spills of 240 barrels or less (Texas Natural Resources Code §40.008).

The RRC also has pipeline safety jurisdiction over pipelines carrying carbon dioxide, natural gas, and hazardous liquids.

The Pipeline Safety Division of the RRC is charged with ensuring the safe operation of such pipelines (***Texas Revised Civil Statutes***, Article 6053-1 Texas Natural Resources Code, Chapter 117). Therefore, personnel from the RRC's Pipeline Safety Division may be present at the scene of a spill to investigate concerns related to the safe operation of the pipeline and to determine a probable cause of the spill.

Texas Parks and Wildlife Department

The Texas Parks and Wildlife Department (TPWD) is the State agency with the primary responsibility for protecting the State's fish and wildlife resources (Chapter 12, Texas Parks and Wildlife Code).

In addition to TPWD authority granted under Chapter 26 of the Texas Water Code, §12.0011 of the Texas Parks and Wildlife Code states that TPWD's resource protection activities include investigating fish kills and any type of pollution that may cause loss of fish and wildlife resources, taking necessary action to identify the cause and party responsible for the fish kill or pollution, estimating the monetary value of lost resources, and seeking restoration through presentation of evidence to the agency responsible for permitting or through county or district court.

By designation of the Governor of Texas, the TPWD is also a State natural resource Trustee. The natural resources for which the TPWD is responsible are the biota, i.e., aquatic life, wildlife, birds, vegetation, etc. The TPWD as a natural resource Trustee has the obligation to protect and preserve all trust resources of the State of Texas.

Section 11.071 of the Texas Parks and Wildlife Code gives the TPWD the authority to regulate the use of Department lands for oil, gas, and other mineral recovery and associated activities as the TPWD considers reasonable and necessary to protect the surface estate of Department lands or to protect human health or property. Department lands include State parks, wildlife management areas, and natural areas.

Chapter 86 of the Texas Parks and Wildlife Code authorizes the TPWD to regulate, control, and protect marl and sand of commercial value and all gravel, sand, and mudshell located within the tidewater limits of the State and on islands within those limits, and within the freshwater areas of the State not embraced by a survey of private land and on islands within those areas.

Texas Department of Public Safety

The Texas Department of Public Safety (DPS) has adopted rules relating to the reporting of all transportation incidents involving releases of reportable quantities of hazardous materials and on-site coordination of transportation emergencies on public roads and railroads (Texas Government Code Ann., §411.018, *Vernon Supp.* 1990).

These rules specify DPS's role in on-site coordination and outline a written report requirement for carriers involved in hazardous materials transportation incidents (see 37 TAC §§3.101 and 3.102).

During transportation incidents involving hazardous materials, the DPS official, as on-site coordinator, is responsible for on-site coordination of transportation emergencies for all unincorporated areas and may assume the on-site coordination role within cities when requested to do so by local government (37 TAC §3.101(a)).

The DPS law enforcement officer who is the first responder on-site is responsible for the on-site coordination (37 TAC §3.101(b)). The DPS on-site coordinator is authorized to make emergency rules when normal operating procedures prove inadequate (37 TAC §3.101(d)). DPS coordination responsibilities will be performed until relieved by appropriate DPS authority or until the incident is concluded.

Texas Department of Transportation

The Texas Department of Transportation (TxDOT) and the Texas Commission on Environmental Quality, as provided in §25.264(f) of the Texas Water Code, have developed a contractual agreement whereby TxDOT personnel, equipment, and materials may be used in State-funded cleanup actions. All expenses and costs resulting from cleanup activities are subject to reimbursement from the Texas Spill Response Fund.

Additionally, 43 TAC 25.7(c)(3) authorizes TxDOT to *remove cargo or property that it believes is a hazardous material or a hazardous substance in compliance with Government Code Section 411.018, and the Texas Hazardous Substances Spill Prevention and Control Act, Water Code, Chapter 26, Subchapter G* (see also 30 TAC 327).

The Governor of Texas and the Governor's Division of Emergency Management

If a spill presents or threatens to become a disaster, the Governor of Texas may utilize the authority granted under the Texas Disaster Act of 1975 (Texas Government Code Ann., Chapter 418, *Vernon Supp.* 1990) to make available and bring to bear all resources of the State to prevent or lessen the impact of such a disaster.

As defined in the Texas Disaster Act of 1975, *disaster* means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause or other public calamity requiring emergency action.

A disaster is declared by executive order or proclamation if the Governor finds that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. Such an executive order activates the recovery and rehabilitation phase of the State of Texas Emergency Management Plan.

The Texas Disaster Act of 1975 authorizes the Governor to establish an Emergency Management Council to advise and assist the Governor in all matters relating to disaster preparedness, emergency services, energy emergencies, and disaster recovery.

The Emergency Management Council is composed of the heads of all the State's agencies, boards and commissions, and representatives of organized volunteer groups whose legal functions relate to important phases of emergency management (Texas Government Code Ann., §418.013, *Vernon Supp.* 1990).

The director of DPS also serves as the director of the Governor's Division of Emergency Management (DEM) and chairs the Emergency Management Council.

Under the State of Texas Emergency Management Plan, the Emergency Management Council is responsible for the coordination and utilization of all State resources during a disaster. Operations of the Council are coordinated by the Governor's Division of Emergency Management (DEM).

Under the State of Texas Emergency Management Plan, emergencies concerning spills or discharges of hazardous substances, or the release or threatened release of hazardous substances, radiological emergencies, and release which may adversely impact the State's air quality, are addressed under Emergency Support Function 10 (ESF-10).

The Texas Commission on Environmental Quality serves as the lead agency for ESF-10 with support being provided by the General Land Office and the Railroad Commission of Texas.

Notification Requirements and Reportable Quantities

Federal

Reportable spills, as defined by federal regulations, shall be reported by the responsible person immediately to the National Response Center (NRC) duty officer in Washington D.C. The toll-free number for the NRC is 800/424-8802.

All notices of spills received at the NRC are relayed immediately by telephone to the predesignated federal On-Scene Coordinator (OSC) for the affected area. If it is not possible to immediately report to the NRC, the report may be given to the office of the appropriate federal OSC (Coast Guard or EPA, Appendix A).

However, the responsible person is still required to notify the NRC as soon as possible. **Notification of the NRC does not constitute notice to the State.**

State of Texas

The State of Texas has established a **toll-free Environmental Release Hotline at 1-800-832-8224** to provide the regulated community with a notification system designed to satisfy their State reporting requirements with a single phone call.

Callers dialing the hotline will be connected to the Texas Department of Public Safety Communications Center where DPS dispatchers will record the incoming call, determine which State agency has jurisdiction, and relay the report to the agency with jurisdiction both verbally and by telefax. Agencies included in the system are the TCEQ, GLO, and RRC. This system generates an incident report and establishes a common incident numbering system.

Texas Commission on Environmental Quality

The Texas Water Code, Section 26.039 and Subchapter G requires reporting to the TCEQ of discharges, spills and releases, "which cause or may cause pollution of water in the state". A telephone report is required by the person responsible, **"as soon as possible and not later than 24 hours after the occurrence"**. The toll-free number **1-800-832-8224** may be called by the regulated community to report discharges, spills, and releases to the TCEQ.

Although TCEQ anticipates that the Environmental Release Hotline will accept any call that they receive, the number has been established primarily for the regulated community. Additionally, there are other State and federal requirements for release reporting which may be satisfied by calling the TCEQ at 1-800-832-8224.

Callers may also satisfy reporting requirements by contacting their TCEQ Regional Office during regular business hours (8:00 am to 5:00 pm) or by calling the agency's 24-hour location at 512-463-7727 or 512-239-2507.

TCEQ may also be called directly by persons other than the person responsible for a discharge, spill, or release when the caller wants to provide or obtain information regarding an environmental emergency.

A reportable discharge or spill is a discharge or spill of oil, petroleum product, used oil, hazardous substances, industrial solid waste, or other substances into the environment in a quantity equal to or greater than the reportable quantity listed in 30 TAC §327.4.

Upon the determination that a reportable discharge or spill has occurred, the responsible person shall notify the agency as soon as possible but not later than 24 hours after the discovery of the spill or discharge. The responsible person shall notify the agency in any reasonable manner including by telephone, in person, or by any other method approved by the agency. The responsible person shall notify one of the following:

- (1) the State Emergency Response Center at 1-800-832-8224;
- (2) during normal business hours only, the regional office for the agency region in which the discharge or spill occurred; or
- (3) the agency at the agency 24-hour spill reporting number

The initial notification shall provide, to the extent known, the information in the following list. Copies of spill reports prepared for other governmental agencies shall satisfy this requirement if they contain, or are supplemented to contain, all the information required by this subsection. The initial notification shall contain:

- (1) the name, address and telephone number of the person making the telephone report;
- (2) the date, time, and location of the spill or discharge;
- (3) a specific description or identification of the oil, petroleum product, hazardous substances or other substances discharged or spilled;
- (4) an estimate of the quantity discharged or spilled;
- (5) the duration of the incident;
- (6) the name of the surface water or a description of the waters in the state affected or threatened by the discharge or spill;
- (7) the source of the discharge or spill;
- (8) a description of the extent of actual or potential water pollution or harmful impacts to the environment and an identification of any environmentally sensitive areas or natural resources at risk;
- (9) if different from paragraph (1) of this subsection, the names, addresses, and telephone numbers of the responsible person and the contact person at the location of the discharge or spill;
- (10) a description of any actions that have been taken, are being taken, and will be taken to contain and respond to the discharge or spill;

- (11) any known or anticipated health risks;
- (12) the identity of any governmental representatives, including local authorities or third parties, responding to the discharge or spill; and
- (13) any other information that may be significant to the response action.

The responsible person shall notify the agency as soon as possible whenever necessary to provide information that would trigger a change in the response to the spill or discharge.

Notifying the agency that a reportable discharge or spill has occurred shall not be construed as an admission that pollution has occurred. Furthermore, if the responsible person determines, after notification, that a reportable discharge or spill did not occur, the responsible person may send a letter to the agency documenting that determination.

If the executive director agrees with that determination, the executive director will note the determination in commission records. If the executive director disagrees with that determination, the executive director will notify the responsible person within 30 days.

If the discharge or spill creates an imminent health threat, the responsible person shall immediately notify and cooperate with local emergency authorities (fire department, fire marshall, law enforcement authority, health authority, or Local Emergency Planning Committee (LEPC), as appropriate).

The responsible party will cooperate with the local emergency authority in providing support to implement appropriate notification and response actions.

The local emergency authority, as necessary, will implement its emergency management plan, which may include notifying and evacuating affected persons. In the absence of a local emergency authority, the responsible person shall take reasonable measures to notify potentially affected persons of the imminent health threat.

As soon as possible, but no later than two weeks after discovery of the spill or discharge, the responsible person shall reasonably attempt to notify the owner (if identifiable) or occupant of the property upon which the discharge or spill occurred as well as the occupants of any property that the responsible person reasonably believes is adversely affected.

TCEQ Reportable Quantities

Hazardous substances. The reportable quantities for hazardous substances shall be:

- (1) for spills or discharges onto land - the quantity designated as the Final Reportable Quantity (RQ) in Table 302.4 in 40 CFR §302.4; or
- (2) for spills or discharges into waters in the state - the quantity designated as the Final RQ in Table 302.4 in 40 CFR §302.4, except where the Final RQ is greater than 100 pounds in which case the RQ shall be 100 pounds.

Oil, petroleum product, and used oil.

- (1) The RQ for crude oil and oil other than that defined as petroleum product or used oil shall be:
 - (A) for spills or discharges onto land - 210 gallons (five barrels); or
 - (B) for spills or discharges directly into water in the state - quantity sufficient to create a sheen.
- (2) The RQ for petroleum product and used oil shall be:
 - (A) except as noted in subparagraph (B) of this paragraph, for spills or discharges onto land - 25 gallons;
 - (B) for spills or discharges to land from PST exempted facilities - 210 gallons (five barrels); or
 - (C) for spills or discharges directly into water in the state - quantity sufficient to create a sheen.

Industrial solid waste or other substances. The RQ for spills or discharges into water in the state shall be 100 pounds.

Regulations for spills from certain underground storage tanks (UST) and aboveground storage tanks (AST) are outlined in 30 *Texas Administrative Code* §334.75 entitled "Reporting and Cleanup of Surface Spills and Overfills".

Owners and operators of UST systems must contain and immediately clean up a spill or overfill, report to the Commission within 24 hours, and begin corrective action in accordance with 30 TAC §§334.76-334.81 (relating to Initial Response to Releases; Initial Abatement Measures and Site Check; Initial Site Characterization; Free Product Removal; Investigation for Soil and Groundwater Cleanup; and Corrective Action Plan) in the following cases:

- a spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons, or that causes a sheen on nearby surface water; and,
- a spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 *Code of Federal Regulations* Part 302).

Owners and operators of UST systems must contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons, and a spill or overfill of a hazardous substance that is less than the reportable quantity under CERCLA (40 CFR Part 302). If cleanup cannot be accomplished within 24 hours, owners and operators must immediately notify the executive director.

Railroad Commission of Texas Notification Requirements and Reportable Quantities

The responsible party must **immediately** notify the Railroad Commission of any fire, leak spill, or break from activities associated with the exploration, development, and production of oil, gas, or geothermal resources. These include:

- All spills of crude oil greater than five (5) barrels;
- All spills of any quantity of crude oil than enters water;
- All blowouts and/or fires associated with oil, gas, and geothermal activities;

- Any accidental release of hydrogen sulfide gas of sufficient volume to present a hazard and of any hydrogen sulfide related accident; or,
- Any injury, death, property damage from gas pipelines (\$5,000) or hazardous liquid pipelines (\$50,000) or other significant incident.

Spills should immediately be reported to the appropriate Railroad Commission division through the appropriate district office, or if necessary to the RRC 24-hour statewide emergency number 512/463-6788. Examples of some spills requiring notification are spills from leases, crude oil or natural gas pipelines, rigs or platforms operating in coastal waters, or trucks on an oil or gas lease. Upon notification, the RRC will:

- Act as lead agency and State on-scene coordinator (OSC) for spills from facilities associated with the exploration, development, and production, including transportation or storage, of oil, gas, or geothermal resources, along with brine and other surface mining activities.
- Act as OSC for a crude oil spill of less than 240 barrels from an exploration, development, or production facility that enters coastal waters or poses an imminent threat of entering coastal waters.
- Provide technical expertise to the SOSOC regarding releases of hydrogen sulfide gas.
- Provide communications gear, H₂S monitoring equipment, and boats if requested by the OSC.

Reporting requirements for Operators Regulated by the RRC

- (1) Crude oil spills over five barrels. For each spill exceeding five barrels of crude oil, the responsible operator must comply with the notification and reporting requirements of 16 TAC §3.20 of this title (relating to Notification of Fire Breaks, Leaks, or Blow-outs) and submit a report on a Form H-8 to the appropriate district office. The following information must be included:
 - (A) area (square feet), maximum depth (feet), and volume (cubic yards) of soil contaminated with greater than 1.0% by weight total petroleum hydrocarbons;
 - (B) a signed statement that all soil containing over 1.0% by weight total petroleum hydrocarbons was brought to the surface for remediation or disposal;
 - (C) a signed statement that all soil containing over 5.0% by weight total petroleum hydrocarbons has been mixed in place to 5.0% by weight or less total petroleum hydrocarbons or has been removed to an approved disposal site or to a secure interim storage location;
 - (D) a detailed description of the disposal or remediation method used or planned to be used for cleanup of the site;
 - (E) the estimated date of completion of site cleanup.
- (2) Crude oil spills over 25 barrels. For each spill exceeding 25 barrels of crude oil, in addition to the report required in paragraph (1) of this subsection, the operator must submit to the appropriate district office a final report upon completion of the cleanup of the site. Analyses of samples representative of the spill site must be submitted to verify that the final cleanup concentration has been achieved.

- (3) Crude oil spills of five barrels or less. Spills into the soil of five barrels or less of crude oil must be remediated to these standards, but are not required to be reported to the commission. All spills of crude oil into water must be reported to the commission.

General Land Office Notification Requirements and Reportable Quantities

Any person responsible for an unauthorized discharge of oil or the person in charge of any vessel or terminal facility from or at which an unauthorized discharge of oil has occurred, as soon as that person has knowledge of the discharge, shall:

- (1) **immediately notify the GLO at 1-800-832-8224 of the discharge**, and
- (2) undertake all reasonable actions to abate, contain, and remove pollution from the discharge.

On notification of a spill, the GLO will act as on-scene coordinator (OSC). The OSC shall ensure that response activities are consistent with the National Contingency Plan (NCP), the State Coastal Discharge Contingency Plan, State of Texas Oil and Hazardous Substances Spill Contingency Plan, and any other applicable plans.

Any responsible person or person or organization under the control of the responsible person shall comply with directions and orders of the OSC. The only grounds upon which the OSC's orders and directions can be challenged are:

- (1) they constitute an unreasonable threat to public safety or natural resources or
- (2) they conflict with the directions or orders of the federal OSC

The responsible person or his agent must verbally state the grounds for his refusal to comply and must give written notice of the grounds for failure to comply within 48 hours of the refusal. Written notice of reasons for failure to comply with the orders or directions of the OSC shall be mailed to :

Division of Oil Spill Prevention and Response
Texas General Land Office
1700 North Congress Avenue, Room 740
Austin, Texas 78701-1495

TCEQ Spill Response and Remediation Requirements

The responsible person shall immediately abate and contain the spill or discharge and cooperate fully with the executive director and the local incident command system. The responsible person shall also begin reasonable response actions which may include, but are not limited to, the following actions:

- (1) arrival of the responsible person or response personnel hired by the responsible person at the site of the discharge or spill;
- (2) initiating efforts to stop the discharge or spill;
- (3) minimizing the impact to the public health and the environment;

- (4) neutralizing the effects of the incident;
- (5) removing the discharged or spilled substances; and
- (6) managing the wastes.

Upon request of the local government responders or the executive director, the responsible person shall provide a verbal or written description, or both, of the planned response actions and all actions taken before the local governmental responders or the executive director arrive.

When the agency on-scene coordinator requests this information, it is subject to possible additional response action requirements by the executive director. The information will serve as a basis for the executive director to determine the need for:

- (1) further response actions by the responsible person;
- (2) initiating state funded actions for which the responsible person may be held liable to the maximum extent allowed by law; and
- (3) subsequent reports on the response actions.

The responsible person shall submit written information, such as a letter, describing the details of the discharge or spill and supporting the adequacy of the response action, to the appropriate agency regional manager within 30 working days of the discovery of the reportable discharge or spill. The regional manager has the discretion to extend the deadline. The documentation shall contain one of the following items:

- (1) A statement that the discharge or spill response action has been completed and a description of how the response action was conducted. The statement shall include the initial report information required by 30 TAC §327.3(c).

The executive director may request additional information. Appropriate response actions at any time following the discharge or spill include use of the Risk Reduction Rules in 30 TAC §335.8 or other appropriate agency risk-based corrective action programs.

- (2) A request for an extension of time to complete the response action, along with the reasons for the request. The request shall also include a projected work schedule outlining the time required to complete the response action.

The executive director may grant an extension up to six months from the date the spill or discharge was reported. Unless otherwise notified by the appropriate regional manager or the Emergency Response Team, the responsible person shall proceed according to the terms of the projected work schedule.

- (3) A statement that the discharge or spill response action has not been completed nor is it expected to be completed within the maximum allowable six month extension. The statement shall explain why completion of the response action is not feasible and include a projected work schedule outlining the remaining tasks to complete the response action.

This information will also serve as notification that the response actions to the discharge or spill will be conducted under the Risk Reduction Rules in 30 TAC §335.8 or other commission risk-based corrective action rules, and shall indicate the appropriate risk-based corrective action program.